

September 16, 2003 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0327

Antonio and Christine Cimino

Bermuda Magisterial District
2301 Burgess Road

REQUEST: Conditional Use to permit a two (2) family dwelling unit in a Residential (R-7) District.

PROPOSED LAND USE:

A second dwelling within an existing dwelling unit is proposed.

RECOMMENDATION

Recommend approval for the following reasons:

- A. The Planning Commission and Board of Supervisors have typically acted favorably on similar requests where occupancy of the second dwelling unit has been limited to guests, domestic servants or family members of the occupants of the principal dwelling.
- B. The recommended conditions ensure that the single family residential character of the request property is maintained.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

CONDITIONS

1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit; individuals related to them by blood, marriage, adoption or guardianship; foster children; guests; and any domestic servants. (P)
2. For the purposes of providing record notice, within thirty (30) days of the approval of this request:
 - a. An instrument titled "notice of zoning restriction" shall be recorded with the property owner indexed as "grantor" and setting forth the limitations of Conditions 1 and 2; and
 - b. The deed book and page number of such notice and a copy of the notice as recorded shall be submitted to the Planning Department. (P)

GENERAL INFORMATION

Location:

South line of Burgess Road and better known as 2301 Burgess Road. Tax ID 827-647-3654 (Sheet 36).

Existing Zoning:

R-7

Size:

16.7 acres

Existing Land Use:

Single family dwelling

Adjacent Zoning and Land Use:

North, East and West - R-7; Single family residential or vacant
South - A; Single family residential or vacant

UTILITIES

Public Water System:

The public water system is not available to serve the request site. The closest extendable water line is approximately 2,200 feet west of this site. Use of the public water system is not required.

Public Wastewater System:

The public wastewater system is not available to serve the request site. The closest extendable wastewater line is an existing eighteen (18) inch wastewater trunk line that extends along Johnson Creek, approximately 1,500 feet west of this site. Use of the public wastewater system is not required.

Private Well and Septic System:

The Health Department must approve any new well and/or septic system, or the expanded usage of any existing well and/or septic system.

ENVIRONMENTAL

The property drains southwest to Johnson Creek and then to the James River. There are currently no on- or off-site drainage or erosion problems with none anticipated after development.

PUBLIC FACILITIES

Fire Service; Schools; Libraries; Parks and Recreation; and Transportation:

This use will have a minimal impact on these facilities.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the property is appropriate for residential use of 4.0 dwelling units per acre or less.

Area Development Trends:

Surrounding properties are zoned Residential (R-7) and Agricultural (A) and are occupied by single family residential dwellings within Homeacres Subdivision or located on acreage parcels, and/or are vacant. It is anticipated that residential development will continue in this immediate area, consistent with the Plan.

Site Design and Occupancy:

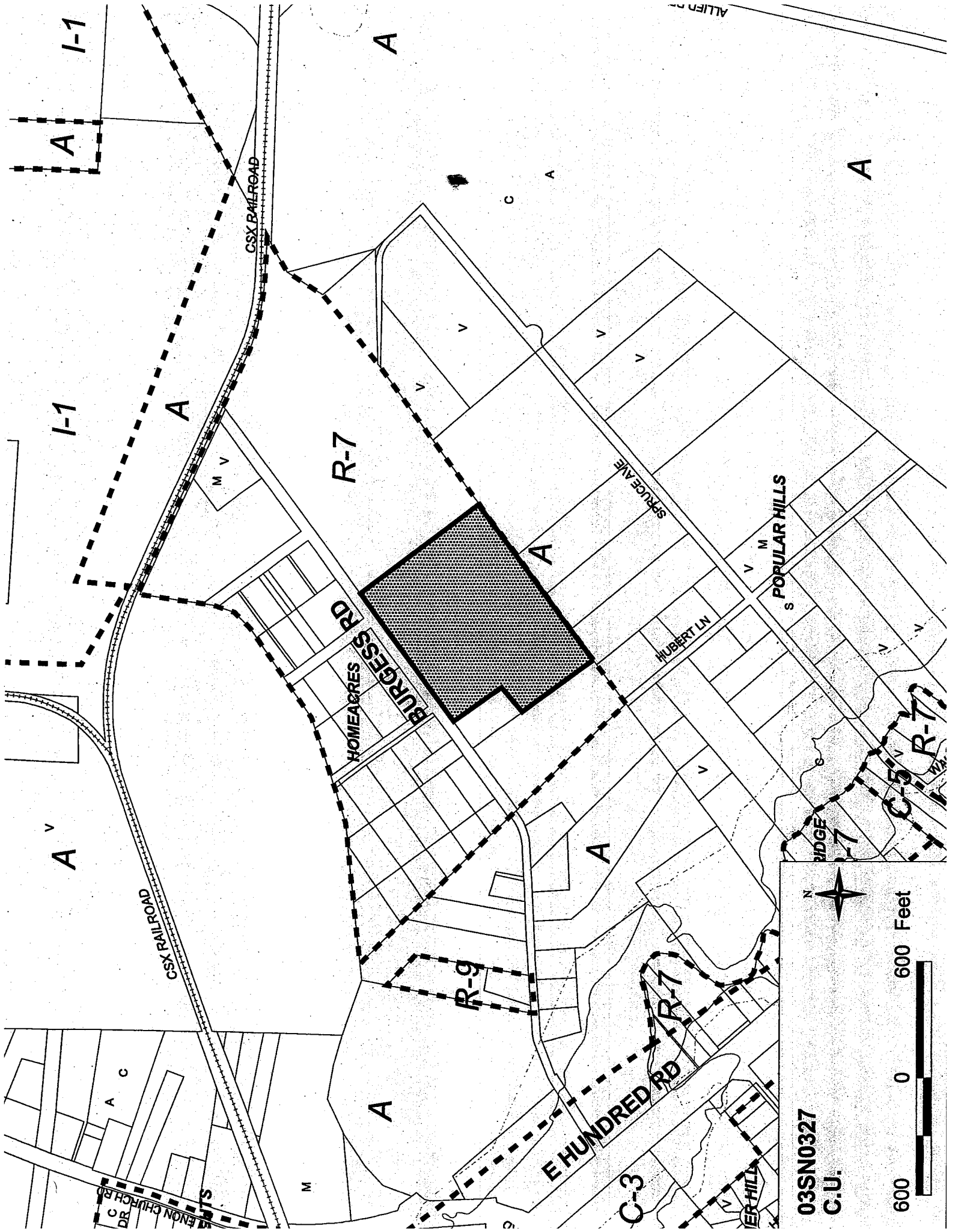
The applicants have constructed an addition to their existing dwelling which they intend to convert into a second dwelling unit for occupancy by immediate family members.

Consistent with past actions on similar requests and to ensure that the "single family" character of the area is maintained, the recommended conditions would limit occupancy of the second dwelling unit to the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. Conditions would also require recordation of an instrument to ensure that future owners are aware of occupancy limitations. (Conditions 1 and 2)

CONCLUSIONS

The Planning Commission and Board of Supervisors have typically acted favorably on similar requests where occupancy of the second dwelling unit has been limited to guests, domestic servants or family members of the occupants of the principal dwelling. The recommended conditions ensure that the single family residential character of the area is maintained.

Given these considerations, approval of this request is recommended.



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